

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	
Curtis J. Kalchthaler	:	Case No. 19-20355-GLT
	:	Chapter 13
Debtor(s)	:	
Ronda J. Winnecour, Chapter 13	:	Related to Document 18 and 42
Trustee	:	
Movant(s)	:	
	:	
vs.	:	
	:	
Curtis J. Kalchthaler	:	
	:	Hearing Date
Respondent(s)	:	

CHAPTER 13 TRUSTEE'S MOTION FOR ORDER OF COURT MODIFYING PLAN

Summary of Requested Relief

Trustee requests an order modifying the February 8, 2019, Plan (filed at Doc 18), as confirmed final on August 30, 2019 (at Doc 42), to: (a) increase the unsecured creditor estimated POT to the amount of timely filed unsecured claims plus the deficiency claim filed by Americredit Financial Services, Inc., dba GM Financial (at CI 9-2 on 12/17/2019) in the amount of \$10,642.98; and (b) increase the Plan payment to \$2,704.00 to provide the 100% to unsecured creditors (in default of an answer).

Discussion

1. The Plan to be modified was filed at Doc 18. The plan and confirmation Order provided a 100% POT for Unsecured Creditors. The monthly plan payment was based on timely filed unsecured claims.

2. The plan, as confirmed, provided for the co-obligor on the Americredit Financial Services, Inc., dba GM Financial obligation to pay the claim direct. The co-obligor defaulted, the creditor obtained relief from stay, liquidated the collateral, and has filed the above referenced deficiency claim which has increased the size of the Unsecured Creditor case by \$10,642.98.

3. No objection has been filed to the deficiency claim.

4. Based on the best-efforts requirements of the bankruptcy code, this was a 100% plan. Trustee believes that the facts and circumstances continue, that this was confirmed as a 100% plan, that a 100% plan is still indicated, and that the payment must be increased to \$2,704.00 to maintain the plan at 100%.¹

5. In default of an answer or other resolution of this Motion, Trustee requests an Order that modifies the Plan to an estimated POT for unsecured creditors of \$27,666.10 (to provide for the deficiency claim) and increases the plan payment to \$2,704.00 beginning November.

WHEREFORE, the Trustee respectfully requests an Order modifying the Plan as set forth above.

RONDA J. WINNECOUR,
CHAPTER 13 TRUSTEE

Date: October 17, 2022

By: /s/ Owen W. Katz
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¹ This is without prejudice to the Debtor pursuing a contribution action against the co-obligor.

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	:	
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CERTIFICATE OF SERVICE

I hereby certify that on the 17th of October 2022, I served one true and correct copy of the foregoing Motion and Proposed Order on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Joseph S. Sisca, Esquire
Assistant U.S. Trustee
Suite 970, Liberty Center
1001 Liberty Avenue
Pittsburgh, PA 15222

Curtis J. Kalchthaler
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Munhall, PA 15120

Kenneth Steidl, Esquire
Steidl & Steinberg
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/s/Rosa M. Richard
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